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SUBJECT: PROPOSED HUMAN RIGHTS REFORMS

¶1. (SBU) Summary: The Pakistan People's Party-led government used the occasion of what would have been Benazir Bhutto's 55th birthday to propose several important human rights initiatives. The cabinet approved PM Gilani's plan to commute the death sentences of approximately 7,000 prisoners to life (24 years); the proposal awaits President Musharraf's signature. Gilani also announced plans to end pre-trial detention for as many as 80,000 suspects awaiting trial. He also has proposed measures to improve the conditions inside jails. None of these measures would apply to persons accused or convicted of murder or terrorism. While the human rights and minority communities welcomed the plan to commute death penalty sentences, the religious parties that support a death sentence for blasphemy opposed the move. eND Summary.

Commuting the Death Penalty

¶2. (SBU) On July 2, the cabinet approved Prime Minister Gilani's (Pakistan People's Party) June 21 request to commute current death sentences to life imprisonment. Gilani announced his initiative on what would have been Benazir Bhutto's 55th birthday; the PPP has long protested the execution of Benazir's father, Zulfakir Ali Bhutto. President Musharraf must still approve the decision affecting approximately 7,000 prisoners. The Minister of Information confirmed that this action will not apply to prisoners charged as spies and terrorists. Life imprisonment is current defined as 24 years. Gilani has not yet introduced legislation in the National Assembly to outlaw the death penalty..

¶3. (SBU) The announcement was welcomed by both the human rights community and religious minorities concerned with death sentences for those convicted of blasphemy. Embassy legal contacts, however, questioned whether the GOP would commute death sentences for blasphemers. Hard-line religious groups, including coalition partner Jamiat Ulema-e-Islam, have already strongly opposed Gilani's proposal.

¶4. (SBU) The Supreme Court also expressed concern July 4 by seeking a written explanation of the government's initiative. The Court is concerned both with jurisdictional issues and preserving the rights of murder victims' families, who have the final say under Pakistani law over whether a convicted murderer should be put to death.

Ending Pre-Trial Detentions

15. (SBU) Gilani also announced plans to end Pakistan's practice of keeping the accused in detention before trial. If approved, the press reports this could affect as many as 80,000 persons now behind bars. Many prisoners serve their entire sentence and more before conviction, a glaring human rights abuse that the U.S. and others have repeatedly criticized. Those accused of terrorism and murder would be exempt. The move would also reduce prison overcrowding; Gilani has also spoken of improving conditions for prisoners--expanding exercise and reading rights--but has yet to submit formal proposals. Interestingly, the Federal Sharia Court, which supersedes Parliament on religious laws, plans to rule on the legality of pre-trial detentions in September.

PATTERSON